

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL ACTION NO. 1:19-CV-00245-KDB**

**APRIL DAWN BREEDLOVE,**

**Plaintiff,**

**v.**

**ANDREW SAUL, Commissioner of  
Social Security,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court on Plaintiff's "Motion to Dismiss Civil Action Pursuant to Rule 41(a)(2) Federal Rules of Civil Procedure." (Doc. No. 10). Counsel for Plaintiff requests that this matter be dismissed, with prejudice, after concluding "that the case cannot be successfully pursued on appeal on the record now established and would be better developed in a new claim." (Doc. No. 10, at 1). Defendant does not object to the motion. Accordingly, the Court will grant Plaintiff's Motion to Dismiss.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Dismiss (Doc. No. 10) be **GRANTED** and this appeal be dismissed with prejudice. The Clerk of Court is directed to close this case.

**SO ORDERED.**

Signed: February 3, 2020



Kenneth D. Bell  
United States District Judge

